

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TROLLERS FLEMING,

Petitioner,

v.

PAT GLEBE,

Respondent.

CASE NO. C09-5678RBL/JRC

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court having reviewed the Report and Recommendation of the Hon. J. Richard Creatura, United States Magistrate Judge, objections to the Report and Recommendation [Dkt. #34], and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The majority of the petition is DISMISSED as procedurally barred. The one exhausted claim regarding ineffective assistance of counsel is without merit.
- (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is DENIED with respect to all claims asserted by petitioner in his habeas petition.
- (4) The clerk is directed to send copies of this Order to Petitioner, and the Hon. J. Richard Creatura.

DATED this 13th day of September, 2010.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE